

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE STATE MAY OFFER TO INCREASE
5 WAGES OR BENEFITS TO PUBLIC EMPLOYEES COVERED BY A COLLECTIVE BARGAINING
6 AGREEMENT PRIOR TO THE EXPIRATION OF THE AGREEMENT; REQUIRING THE EXCLUSIVE
7 REPRESENTATIVE OF THE LABOR ORGANIZATION TO WHICH THE PUBLIC EMPLOYEES BELONG TO
8 ACCEPT OR REJECT THE OFFER WITHIN A DEADLINE AND TO NOTIFY ALL COVERED PUBLIC
9 EMPLOYEES OF THE OFFER; PROHIBITING THE EXCLUSIVE REPRESENTATIVE FROM MAKING A
10 COUNTEROFFER OR NEGOTIATING OTHER TERMS OF THE AGREEMENT; AMENDING SECTION 39-31-
11 306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
12 DATE."

13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15

16 **Section 1.** Section 39-31-306, MCA, is amended to read:

17 **"39-31-306. Collective bargaining agreements.** (1) An agreement reached by the public employer
18 and the exclusive representative must be reduced to writing and must be executed by both parties.

19 (2) Except as provided in subsection (5), an agreement may contain a grievance procedure
20 culminating in final and binding arbitration of unresolved grievances and disputed interpretations of agreements.

21 (3) An agreement between the public employer and a labor organization must be valid and
22 enforced under its terms when entered into in accordance with the provisions of this chapter and signed by the
23 chief executive officer of the state or political subdivision or commissioner of higher education or by a
24 representative. A publication of the agreement is not required to make it effective.

25 (4) The procedure for the making of an agreement between the state or political subdivision and a
26 labor organization provided by this chapter is the exclusive method of making a valid agreement for public
27 employees represented by a labor organization.

28 (5) An agreement to which a school is a party must contain a grievance procedure culminating in

final and binding arbitration of unresolved and disputed interpretations of agreements. The aggrieved party may have the grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both. After a grievance has been submitted to arbitration, the grievant and the exclusive representative waive any right to pursue against the school an action or complaint that seeks the same remedy. If a grievant or the exclusive representative files a complaint or other action against the school, arbitration seeking the same remedy may not be filed or pursued under this section.

(6) (a) Prior to the expiration of a collective bargaining agreement, if it is determined that a public employee who is covered by a collective bargaining agreement earns 90% or less of the market midpoint as defined in 2-18-101 for the employee's occupation, a public employer, at the governor's direction, may offer an increase in wages to the public employees covered by the agreement.

(b) The offer must be in writing and delivered to the exclusive representative of the labor organization to which those public employees belong.

(c) The exclusive representative shall provide notice of the offer to all covered public employees within 5 days of receipt of the offer. Notice of the offer may be made in an electronic format.

(d) The exclusive representative shall accept or reject the offer in writing to the governor within 30 days of receipt of the offer. The exclusive representative may not make a counteroffer or negotiate any other terms of the collective bargaining agreement.

(e) If the offer is accepted, the increase in wages goes into effect the first full pay period after the offer is accepted."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to collective bargaining agreements that cover public employees that were entered into on or before [the effective date of this act].

- END -